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13 Attorneys for Defendants
14 ALLIED INTERSTATE LLC, SLM EDUCATION CREDIT
15 FINANCE CORPORATION (erroneously sued as SLM
16 EDUCATION FINANCE CORPORATION), SLM FINANCIAL
17 CORPORATION and SALLIE MAE, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID R. PEREZ,

Plaintiff,

v.

ALLIED INTERSTATE, LLC, SLM
EDUCATION FINANCE CORPORATION,
SLM FINANCIAL CORPORATION;
SALLIE MAE, INC. AND DOES 1-10,
INCLUSIVE,

Defendants.

Case No. CV 12-03763 HRL

**JOINT MOTION AND STIPULATION FOR
RELIEF FROM CASE MANAGEMENT
SCHEDULE AND [PROPOSED] ORDER**

Complaint Filed: May 9, 2012
Trial Date: February 24, 2013

STIPULATION

Plaintiff David R. Perez (“Plaintiff”) and his attorneys of record, The Katharine & George Alexander Community Law Center, by Scott Maurer, attorney at law and Defendants Allied Interstate LLC, SLM Education Credit Finance Corporation (erroneously sued as SLM Education Finance Corporation), SLM Financial Corporation, and Sallie Mae, Inc. (collectively “Defendants”), by their attorneys of record, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., by Jill V. Cartwright, attorney at law, hereby stipulate to the following and respectfully move the Court for an order changing the initial case management conference and ADR deadlines as follows:

9 1. **WHEREAS**, Plaintiff filed his Complaint on May 9, 2012 in the Santa Clara
10 Superior Court; and

11 2. **WHEREAS**, on July 18, 2012, Defendant Allied Interstate LLC removed the action
12 to the Northern District of California, San Jose Division, with all Defendants consenting to the
13 removal; and

14 3. **WHEREAS**, on January 2, 2013, the parties appeared before the Court at the initial
15 Case Management Conference (CMC). During the CMC, the Court assigned the case to Magistrate
16 Judge Howard R. Lloyd for a settlement conference. The Court also scheduled a further CMC for
17 April 2, 2013.

18 4. **WHEREAS**, the parties have been attempting to settle the case through negotiations
19 but have been unable to do so. The parties believe a settlement conference will be valuable and
20 help the parties reach settlement.

21 5. **WHEREAS**, the Court's January 2, 2013 Minute Order and Case Management
22 Order mandates April 2, 2013 as the last day for ADR.

23 6. **WHEREAS**, whereas, to date, no settlement conference has been scheduled by the
24 Court or Magistrate Judge Lloyd. On or about March 14, 2013, Ms. Cartwright telephoned the
25 Court's ADR Unit to inquire why no settlement conference had been scheduled. The ADR Unit
26 informed Ms. Cartwright that the case had been coded incorrectly and that they would fix this
27 issue. To date, the parties have not received any dates for a settlement conference.

28 7. **WHEREAS**, given the upcoming deadline to conduct the settlement conference—

1 without any settlement conferences dates yet provided—and the parties' desire to attend a
 2 settlement conference, the parties request relief from the current January 2, 2013 Minute Order and
 3 Case Management Order by extending the deadlines in the Order for scheduling a settlement
 4 conference.

5 8. **WHEREAS**, the parties met and conferred regarding the proposed continuance of
 6 the further case management conference and deadlines within the January 2, 2013 Minute Order
 7 and Case Management Order; and

8 9. **WHEREAS**, pursuant to Local Rule 16-2(d)-(e) and Local Rule 7, the parties hereby
 9 submit this stipulation for relief from the case management schedule.

10 **NOW, THEREFORE**, the Parties, through their respective counsel of record **AGREE**
 11 **AND HEREBY STIPULATE** to the following changes in the initial case management deadlines:

Deadline	Original Date	New Date
Last day to: Complete ADR (Settlement Conference)	April 2, 2013	April 26, 2013
Further CMC	April 10, 2013	May 1, 2013
Fact Discovery Cutoff	June 28, 2013	July 15, 2013

19
 20 DATED: March 22, 2013

KATHARINE & GEORGE ALEXANDER
 21 COMMUNITY LAW CENTER

22
 23 By: /s/ Scott Maurer
 24 Scott Maurer

25 Attorney for Plaintiff
 26 DAVID R. PEREZ

1 DATED: March 22, 2013

2 OGLETREE, DEAKINS, NASH, SMOAK &
3 STEWART, P.C.

4 By: /s/ Jill V. Cartwright

5 Erica K. Rocush
6 Jill V. Cartwright

7 Attorneys for Defendants

8 ALLIED INTERSTATE LLC, SLM
9 EDUCATION CREDIT FINANCE
10 CORPORATION (erroneously sued as SLM
11 EDUCATION FINANCE CORPORATION),
12 SLM FINANCIAL CORPORATION and
13 SALLIE MAE, INC.

14 **ATTESTATION PER GENERAL ORDER NO. 45 SECTION X.B.**

15 I hereby attest that I have obtained concurrence in the filing of this document from each of
16 the signatories listed above.

17 DATED: March 22, 2013

18 OGLETREE, DEAKINS, NASH, SMOAK &
19 STEWART, P.C.

20 By: /s/ Jill V. Cartwright

21 Erica K. Rocush
22 Jill V. Cartwright

23 Attorneys for Defendants

24 ALLIED INTERSTATE LLC, SLM
25 EDUCATION CREDIT FINANCE
26 CORPORATION (ERRONEOUSLY SUED AS
27 SLM EDUCATION FINANCE
28 CORPORATION), SLM FINANCIAL
CORPORATION AND SALLIE MAE, INC.

[PROPOSED] ORDER

2 Pursuant to the Joint Stipulation for Relief from Case Management Schedule it is hereby
 3 ordered that the Case Management deadlines are modified as follows:

5 Deadline	6 Original Date	7 New Date
6 Last day to:	7 April 2, 2013	8 April 26, 2013
7 Complete ADR (Settlement Conference)		
8 Further CMC	9 April 10, 2013	10 May 1, 2013
10 Fact Discovery Cutoff	11 June 28, 2013	12 July 15, 2013

11 The parties shall contact Magistrate Judge Lloyd's Courtroom Deputy to schedule a
 12 settlement conference.

13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

14 DATED: April 1, 2013


 15 Hon. Lucy H. Koh
 16 Judge of the United States District Court

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